

The Honorable Lauren King

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, President of the United
States, *et al.*,

Defendants.

No. 2:17-cv-00094-LK

**DEFENDANTS' STATUS REPORT ON
PROGRESS FOR COMPLETING POLICY
REVIEW OF CARRP BY MAY 10, 2022**

As set forth in the parties' stipulated motion for a stay of proceedings, which the Court entered on February 22, 2022, USCIS has undertaken an agency-wide internal review of its policies and procedures for identifying and assessing national security risks presented in immigration benefit applications, including applications for lawful permanent residence and naturalization, known as the Controlled Application Review and Resolution Program (CARRP). USCIS expects to complete this review by May 10, 2022. This is consistent with the date of completion communicated to the Court in the parties' stipulation.

Assuming final approval of the new policy by USCIS leadership, USCIS expects to finalize a new policy that will supersede the CARRP policy shortly after May 10, 2022. After the new policy is finalized, USCIS will continue efforts to develop accompanying training materials, Standard Operating Procedures, and updates to electronic systems. The timeline for

1 completion involves various contingencies, but once those materials and updates are complete or
2 substantially complete, USCIS will implement the new policy.

3 Concerning implementation of the USCIS moratorium on denials of class member
4 applications that was a provision of the stay ordered by the Court, USCIS encountered
5 unexpected difficulties when implementing the denial moratorium. It has identified at least 70
6 applications that were denied when they should have been held. USCIS has made additional
7 efforts to identify and flag cases in its systems to prevent further denials of cases subject to the
8 moratorium and expects these measures to minimize errors going forward. Defendants have
9 disclosed to Plaintiffs' counsel information about prematurely denied applications that it has
10 identified and reviewed to ensure that they should have been held. Defendants are conferring
11 with Plaintiffs' counsel regarding proposed remedies, including circumstances where reopening
12 a denial might not be in the applicant's best interest.

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

1 Respectfully Submitted,

2 Dated: May 2, 2022

3 BRIAN M. BOYNTON
4 Principal Deputy Assistant Attorney General
5 Civil Division
6 U.S. Department of Justice

ANNE POGUE DONOHUE
Counsel for National Security
National Security Unit
Office of Immigration Litigation

7 AUGUST FLENTJE
8 Special Counsel
9 Civil Division

LINDSAY M. MURPHY
Senior Counsel for National Security
National Security Unit
Office of Immigration Litigation

10 ETHAN B. KANTER
11 Chief National Security Unit
12 Office of Immigration Litigation
13 Civil Division

VICTORIA M. BRAGA
Trial Attorney
Office of Immigration Litigation

14 NICHOLAS BROWN
15 United States Attorney

BRENDAN T. MOORE
Trial Attorney
Office of Immigration Litigation

16 BRIAN C. KIPNIS
17 Assistant United States Attorney
18 Western District of Washington

JESSE L. BUSEN
Counsel for National Security
National Security Unit
Office of Immigration Litigation

19 W. MANNING EVANS
20 Senior Litigation Counsel
21 Office of Immigration Litigation

/s/ Leon B. Taranto

LEON B. TARANTO
Trial Attorney
Torts Branch

22 *Counsel for Defendants*
23

CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Anne Pogue Donohue
ANNE POGUE DONOHUE
Counsel for National Security
National Security Unit
Office of Immigration Litigation
Anne.P.Donohue@usdoj.gov
(202) 305-4193